

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JILL BALLARD, REBECCA VARNO,)
and MARK POKORNI, on behalf of)
themselves and the class members)
described herein,) Docket 3:18-cv-00121-MEM-
MCC
Plaintiffs,)
(Judge Malachy E. Mannion)
v.)
(Magistrate Judge Martin C.
NAVIENT CORPORATION,) Carlson)
NAVIENT SOLUTIONS, INC., and)
NAVIENT SOLUTIONS, LLC,)
ELECTRONICALLY FILED
Defendants.)

MOTION TO COMPEL CLASS DISCOVERY
AND AMEND THE COMPLAINT

Plaintiffs JILL BALLARD, REBECCA VARNO, and MARK POKORNI
state as follows in support of their MOTION TO COMPEL CLASS DISCOVERY
AND AMEND THE COMPLAINT.

1. This is a putative class action involving Plaintiffs' student loans.
2. Plaintiffs served written discovery requests on Defendants to determine the number of persons in the putative class. Defendants did not answer the requests, objecting that the class definition was not properly tailored.
3. To address Defendants' objection, Plaintiffs devised a set of modified class definitions and renewed their requests for class discovery.

4. Defendants refused to state the number of members in the modified classes, claiming that the classes did not fall within the scope of the complaint.

5. To resolve this dispute, the parties participated in a conference with the Court. Plaintiffs were directed to file a motion seeking 1) class discovery, and 2) leave to amend their complaint. Accordingly, Plaintiffs have filed the instant motion and seek:

- a. Leave to use their modified class definitions, without amending the complaint, and an order compelling Navient to:
 - i. provide an assessment as to which of the modified definitions can be feasibly searched by Navient's computer database; and
 - ii. execute searches of all classes which can be feasibly searched, and state the number of borrowers in each such class;or, in the alternative;
 - b. Leave to file Plaintiffs' Seconded Amended Complaint, and an order compelling Navient to provide the aforementioned class discovery, concurrent with the filing of any responsive pleadings Navient may file, or briefing on any such pleadings, so that class discovery may proceed immediately upon resolution of the instant motion.
6. Pursuant to Local Rule 15.1, as set forth in section (a) and (b), the proposed Amended Complaint is attached to this motion, as Attachments A and B respectively.
7. Plaintiffs have filed a brief in support of the instant motion.

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs' Motion to Compel Class Discovery and Amend the Complaint.

Respectfully Submitted,

/s/ Cassandra Miller
Cassandra Miller

Daniel A. Edelman
Cassandra P. Miller
**Edelman, Combs, Lattuner
& Goodwin, LLC**
20 South Clark Street, Suite 1500
Chicago, IL 60603
Phone (312) 739-4200
dedelman@edcombs.com
cmiller@edcombs.com

Anthony Fiorentino
Fiorentino Law Offices, LTD
432 N. Clark St., Suite 202
Chicago, IL 60654
(312) 853-0050
anthony@fiorentinolaw.com

Carlo Sabatini, PA 83831
Sabatini Freeman, LLC
216 N. Blakely St.
Dunmore, PA 18512
(570) 341-9000
carlo@sabatinilawfirm.com

CERTIFICATE OF SERVICE

I certify that on the 21st day of September, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which sent notification to counsel of record for the defendant, namely:

Daniel T. Brier
dbrier@mbklaw.com

Donna A. Walsh
dwalsh@mbklaw.com

Lisa Marie Simonetti
simonettil@gtlaw.com

Christopher Anthony Mair
mairc@gtlaw.com

Lawyers for Defendants

s/Cassandra P. Miller
Cassandra P. Miller
Illinois ARDC #: 6290238